HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.875 of 2005

Narain Singh & four others .....Applicants

Versus

1. State of Uttaranchal
2. Smt. Anita Negi
   W/o Shri Narain Singh Negi
   D/o Shri Mehar Singh Bisht
   R/o village Charbha
   P.S. Sahaspur
   District Dehradun
   At present R/o A149 Pocket-M
   Janta Flats, Sarita Vihar
   New Delhi .....Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Ramji Srivastava learned counsel for the applicants and Sri S. C. Chauhan learned counsel for the respondent No.2.

This is a petition under section 482 Cr.P.C. with the prayer to quash the chargesheet dated 28.1.2000 as well as the proceedings of criminal case No.955/2004 State Vs. Narain Singh Negi & others under section 498-A, 323 IPC and section 3/4 Dowry Prohibition Act pending before the Judicial Magistrate Ist, Dehradun.

It has been alleged in the petition that the marriage was solemnized between Narain Singh Negi and Smt. Anita Negi on 11.12.1996 according to Hindu rites and customs. A suit was instituted by the husband-Narain Singh Negi against the respondent No.2 under section 13 of the Hindu Marriage Act. As a counter blast, the respondent No.2 lodged an FIR against the applicants and a case was registered under section 498A, 323 IPC & 3/4 Dowry Prohibition Act. Thereafter, the police investigated the matter and submitted the chargesheet on 28.1.2000 in the court of Addl. Chief Judicial Magistrate-IVth, Dehradun. Thereafter, the

Magistrate took cognizance against the applicants by its order dated 11.4.2000. Feeling aggrieved by this, the applicants preferred the present petition.

During the course of hearing, the parties have amicably settled the matter and a joint application to that effect has been filed by the parties on 22.3.2006 alongwith the joint affidavits of Narain Singh Negi and Smt. Anita Negi. Both the parties have stated in the affidavit they have amicably settled their disputes and entered into a compromise. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

> *"12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
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> *13. The observations made by this Court, though in a slightly different context, in* ***G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of*

the family are also involved with the result that those who could have counseled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

Considering the above facts and the principles laid down by the Apex Court, the chargesheet mentioned above and the proceedings in criminal case no. 955/2004 State Vs. Narain Singh Negi & others pending before the Judicial Magistrate-Ist, Dehradun are hereby quashed. The petition is allowed accordingly.

(J.C.S. RAWAT, J.)

Dated 22.03.2006

LSR